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 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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ROBERT SCOT BUILDING VENTURE LLC;	:	
and RSBV PATHWAY LLC,	:	
	:	
Plaintiffs,	:	
-against-	:	22-CV-10329 (VEC)
	:	
	:	<u>ORDER</u>
CREATIVE WEALTH MEDIA FINANCE CORP;:	:	
and JASON CLOTH,	:	
	:	
Defendants.	:	

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X

VALERIE CAPRONI, United States District Judge:

WHEREAS on December 7, 2022, Plaintiffs filed a Complaint against Defendants, Compl., Dkt. 6;

WHEREAS Plaintiff alleges that this Court's subject matter jurisdiction in this matter is premised on diversity, 28 U.S.C. § 1332(a)(2), *id.* ¶ 10;

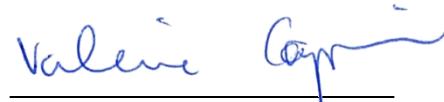
WHEREAS Plaintiff alleges "upon information and belief" that Defendant Cloth "is an individual residing in Ontario, Canada and transacting business in the State of New York," *id.* ¶ 9;

WHEREAS "United States citizens who are domiciled abroad are neither citizens of any state of the United States nor citizens or subjects of a foreign state," and thus § 1332(a) does not provide diversity "jurisdiction over a suit to which such persons are parties," *Cresswell v. Sullivan & Cromwell*, 922 F.2d 60, 68 (2d Cir. 1990);

IT IS HEREBY ORDERED that by no later than **Tuesday, December 13, 2022**, Plaintiff must file an amended complaint that alleges the citizenship of Defendant Cloth or the complaint will be dismissed without prejudice for lack of subject matter jurisdiction.

**SO ORDERED.**

**Date: December 9, 2022**  
**New York, New York**



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**VALERIE CAPRONI**  
**United States District Judge**